

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPLICATION NO.5835 OF 2004

Ramchandra Dharma Patil & Ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr.N.N.Gavankar with Mr.Arfa Sait for Applicants.

Mr.K.V.Saste, A.P.P. for Respondent.

.....

**CORAM: A.M.KHANWILKAR, J.**

**JANUARY 11, 2005.**

**P.C.**

1. Heard Counsel for the parties.

2. As I indicated my mind that so far as Applicants 2 and 3 are concerned, their Application for bail will have to be rejected on merits, Counsel for the Applicants submits, on instructions, that he will not press this Application on behalf of Applicants 2 and 3 and would withdraw the same with liberty to file fresh

Application after filing of the charge-sheet. In the circumstances, application filed on behalf of Applicant No.2 Vilas Ramchandra Patil and Applicant No.3 Bhimsen Ramchandra Patil are dismissed as withdrawn with liberty as prayed.

3. Insofar as Applicant No.1 Ramchandra Dharma Patil, father of Vilas and Bhimsen is concerned, the only allegation against him seems to be that he participated in the incident in question by abusing the Complainant and then assaulting by fist blows.

4. Accepting the prosecution case as it is, it appears that when the matter aggravated, the co-accused Vilas and Paresh went home and brought axes, which were used to assault the complainant and Jagannath. In that sense, Applicant No.1 Ramchandra Dharma Patil cannot be made responsible for the act of co-accused. Viewed in this perspective, the Applicant No.1 deserves to be enlarged on bail on the following conditions:-

(a) The Applicant No.1 Ramchandra Dharma

Patil/accused No.4 is released on bail in relation to C.R.No.156/04 registered with Panvel Taluka Police Station on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty-five Thousand) with two local sureties in the like amount.

(b) The Applicant No.1 shall not enter the jurisdiction of Panvel Taluka Police Station at least till the filing of the charge-sheet. It will be open to the Applicant No.1 to move this Court for modification of this condition, only after charge-sheet is filed.

(c) The Applicant No.1 shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(d) The Applicant No.1 shall inform his place of residence to the Investigating Officer within one week from the date of release, and in addition, shall report to the nearest Police Station on every Saturday between 10.00 a.m. and 1.00 p.m.

(e) The Applicant No.1 shall extend full

co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicant No.1 is responsible for the delay of the trial, that fact be recorded in the Roznama, which will be a ground for cancellation of bail.

. Application disposed of on the above terms.

A.M.KHANWILKAR, J.